

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UN-SEC-ED NY
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In the Matter of the Application of : CIVIL ACTION NO.
ANTONIO WEI for an Order Seeking :
Discovery Under 28 U.S.C. § 1782, :
: _____

[PROPOSED] ORDER

Upon consideration of the Application for an Order pursuant to 28 U.S.C. § 1782 and Supporting Brief and Declaration submitted by Antonio Wei, it appears that the requirements of 28 U.S.C. § 1782 have been satisfied in that (i) the Applicant is an interested person in the discovery being sought; (ii) Hacienda International Realty Inc. and 116 John Street Owner LLC (collectively, the “Discovery Targets”) are within the judicial district of this Court; and (iii) the discovery being sought from the Discovery Targets is to assist the Applicant with his pursuit of a contemplated proceeding in the appropriate probate court in Brazil.

Furthermore, the Application appears to satisfy the requirement of 28 U.S.C. § 1782 because (i) the Discovery Targets are not, at present, parties in the foreign proceeding although Applicant reserves his right to name them as parties in the future; (ii) Brazil is generally receptive to U.S. assistance in judicial matters; (iii) the Application is not being made to circumvent any discovery limitations imposed by a foreign tribunal; and (iv) the discovery being sought from the Discovery Targets is narrowly tailored and does not seek to impose an unreasonable burden on them.

THEREFORE IT IS HEREBY ORDERED that the Application is hereby granted to the extent set forth below; and

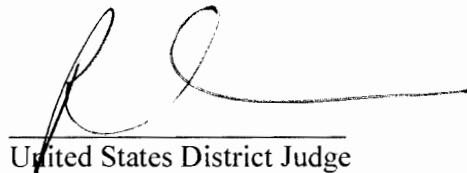
IT IS FURTHER ORDERED that Applicants' U.S. counsel, Duane Morris LLP, is authorized to take the deposition and obtain document discovery from the Discovery Targets that is relevant to the issues identified in the Application and to serve the subpoenas upon the Discovery Targets in the form attached as Exhibit A to the Application within 60 days of entry of this Order;

IT IS FURTHER ORDERED that the Discovery Targets are directed to respond to said subpoena in accordance with the Federal Rules of Civil Procedure; and

IT IS FURTHER ORDERED that Duane Morris LLP shall deliver copies of this Order and any subpoena issued pursuant to this Order to the parties in the contemplated foreign proceeding to be filed in Brazil which is identified in the Application.

N.W.
Dated: October 2, 2017

BY THE COURT:



United States District Judge